

FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

HARRY BARNES, JOHN MURRAY,
ROBERT DESROSIER, KENNETH
HOYT, and JUDY WHITE, on behalf
of themselves and all those similarly
situated,

Plaintiffs,

vs.

3 RIVERS TELEPHONE
COOPERATIVE, INC.,

Defendant.

Case No. 21-118-GF-BMM

**ORDER GRANTING PLAINTIFFS'
UNOPPOSED MOTION FOR: (1)
PRELIMINARY APPROVAL OF
SETTLEMENT; (2)
CONDITIONAL CERTIFICATION
OF SETTLEMENT CLASS; (3)
APPOINTMENT OF CLASS
REPRESENTATIVES; (4)
APPOINTMENT OF CLAIM
ADMINISTRATOR; (5)
APPOINTMENT OF CLASS
COUNSEL; (6) APPROVAL OF
FORM AND TIMING OF
PROPOSED NOTICE OF
SETTLEMENT AND
OPPORTUNITY TO OBJECT;
AND (7) SETTING HEARING FOR
FINAL APPROVAL**

This matter comes before the Court on the Plaintiffs' Unopposed Motion for Preliminary Approval of a Class Settlement, Conditional Certification of Settlement Class, Appointment of Class Representatives; Appointment of Claim Administrator, Appointment of Class Counsel, Approval of Form and Timing of Proposed Notice of Settlements and Opportunity to Object, and Setting Hearing for Final Approval.

The Court being fully advised, and for good cause appearing, IT IS
HEREBY ORDERED:

1. The Court finds that the proposed Settlement is reasonable, fair, adequate, and in the best interests of the class. F. R. Civ. P. 23(e); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1024 (9th Cir. 1998). The Court grants preliminary approval to it.
2. For purposes of settlement, the Court certifies a Settlement Class pursuant to F. R. Civ. P. 23 that consists of all former members of 3 Rivers Telephone Cooperative, Inc. who were served in the Browning Exchange and who ceased to be members of the cooperative as a consequence of the sale of the Browning Exchange to Siyeh Corporation on December 31, 2020.
3. Plaintiffs Harry Barnes, John Murray, Robert Desrosier, Kenneth Hoyt, and Judy White are appointed Settlement Class Representatives.
4. REDW, LLC is appointed as Claim Administrator.
5. Terryl T. Matt and Jeffrey G. Winter are appointed as Class Counsel, pursuant to F. R. Civ. P. 23(g).
6. The Court finds the proposed form of notice to the Settlement Class as set forth in Exhibit A to the Class Settlement Agreement is “sufficiently informative and give[s] sufficient opportunity for response.” *See Bell Atl. Corp. v. Bolger*, 2 F.3d 1304, 1307, 1317 (3d Cir. 1993) (affirming approval

of settlement agreement that summarized background of litigation, the proposed settlement terms, and stated the settlement hearing date). The Court approves the notice and orders the notice to be directed to the last known addresses of the Settlement Class members as shown on the Defendant's records. *See also Grunin v. Int'l House of Pancakes*, 513 F.2d 114 (8th Cir. 1975) (notice sent nineteen days before fairness hearing did not violate due process); *Armstrong v. Board of School Directors*, 616 F.2d 305 (7th Cir. 1980) (notice sent twelve days before fairness hearing did not violate due process).

7. Within thirty (30) days of entry of this Order, the Claim Administrator shall:
 - a) Mail a notice of the proposed class settlement in the form set forth in Exhibit A to the Class Settlement Agreement, to the last known addresses of each Settlement Class member contained in Defendant's records. In the event that a notice is returned as undeliverable and a forwarding address is provided, the claim administrator shall forward any such returned notice to the address provided as soon as practicable; and
 - b) Publish the notice twice in the Glacier Reporter, the Pikuni Press, and the Great Falls Tribune, with each date of publication being two weeks apart.

8. The Court finds that mailing and publishing of the notice as set forth herein is the only notice required and that such notice satisfies the requirements of due process and F. R. Civ. P. 23(c)(2)(B).
9. Settlement Class members shall have 30 days from the date the Claim Administrator mails the notice to opt out or object to the proposed settlement.
10. **A hearing on the fairness and reasonableness of this Settlement and whether final approval shall be given to it will be held before this Court on April 6, 2023 at 1:30 p.m. before the undersigned.**

DATED this 9th day of February, 2023.



Brian Morris, Chief District Judge
United States District Court